

BEFORE THE IDAHO STATE LICENSING BOARD OF PROFESSIONAL
COUNSELORS AND MARRIAGE & FAMILY THERAPISTS

In the Matter of the License of:)
) Case No. COU-2005-3
KEITH ALVIN REBER,)
License No. LMFT-2943,) **STIPULATION AND**
) **CONSENT ORDER**
Respondent.)
)

COU\Reber\P51811ga

WHEREAS, information having been received by the Idaho State Board of Idaho State Board of Professional Counselors and Marriage & Family Therapists (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Keith Alvin Reber (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of licensed counselors and licensed professional counselors and licensed marriage and family therapists in the State of Idaho in accordance with title 54, chapter 34, Idaho Code.

2. Respondent Keith Alvin Reber is a licensee of the Idaho State Board of Professional Counselors and Marriage & Family Therapists and holds License No. LMFT-2943 to practice marriage and family therapy in the State of Idaho. Respondent's license expired on September 22, 2004, and Respondent's license was canceled as of September 23, 2004. Respondent has not renewed his license; however, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew his license for up to five (5) years after cancellation by paying the required fees.

3. On or about July 22, 2003, the Oregon Board of Licensed Professional Counselors and Therapists revoked Respondent's Oregon Marriage and Family Therapy License No. T0368 and found that Respondent used techniques that caused physical and emotional damage to children with traumatic histories and that the techniques did not meet generally acceptable standards of practice and were not sanctioned by any recognized national professional associations of psychiatrists, psychologists, counselors, social workers, or psychiatric nurses. The Oregon Board also found that the techniques were intended to cause psychological and physical pain, did not advance the welfare and best interests of the client, and did not respect the rights of the clients. Finally, the Oregon Board found that Respondent was deceitful and misrepresented himself to the Oregon Office of Services to Children and Families when he agreed to stop using the techniques but did not. A true and correct copy of the Oregon Board's Final Order by Default of License Revocation in Case No. BCT-2001-007 is attached hereto as Exhibit 1.

4. On or about July 9, 2003, the Utah Department of Occupational and Professional Licensing filed a Petition for Order to Cease and Desist against Respondent for practicing or engaging in and representing himself to be practicing or engaging in or attempting to practice or engage in occupations or professions of mental health therapy and/or marriage and family therapy when Respondent was not licensed to do so in the State of Utah. Pursuant to Utah Code § 58-60-111, the penalty for unlawful conduct as described the Petition for Order to Cease and Desist is either (a) a third degree felony for violations of Utah Code § 58-60-109(1) or (b) a class A misdemeanor for violations of Utah Code § 58-60-109(3). A true and correct copy of the Utah Department of Occupational and Professional Licensing's Petition for Order to Cease and Desist in Case No. DOPL-2003-151 is attached hereto as Exhibit 2.

5. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of marriage and family therapy, specifically American Association for Marriage and Family Therapy Codes of Ethics 3.15(c) and (e),

Board Rule 350 (IDAPA 24.15.01.350), and Idaho Code § 54-3407(5). Violations of these laws and rules would further constitute grounds for disciplinary action against Respondent's license to practice marriage and family therapy in the State of Idaho.

6. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against his license as set forth in Section C below.

B.

I, Keith Alvin Reber, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice marriage and family therapy in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of marriage and family therapy in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby License No. LMFT-2943 issued to Respondent Keith Alvin Reber, including the five-year renewal rights pursuant to Idaho Code § 67-2614, is hereby immediately REVOKED.

/ / /

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, the formal complaint which has been filed against Respondent may proceed. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

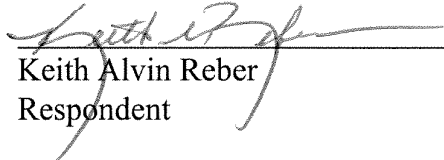
5. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

6. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject

to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

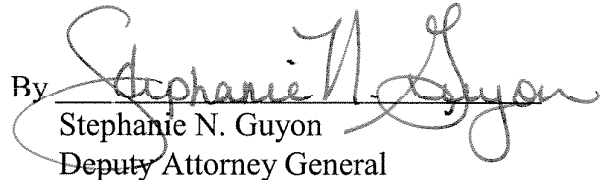
DATED this 12 day of July, 2005.


Keith Alvin Reber
Respondent

I concur in this stipulation and order.

DATED this 14th day of July, 2005.

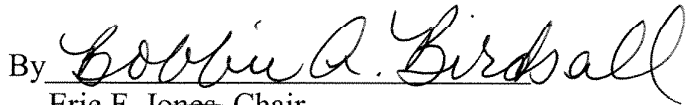
STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By 
Stephanie N. Guyon
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-3404, the foregoing is adopted as the decision of the Board of Professional Counselors and Marriage & Family Therapists in this matter and shall be effective on the 19 day of July, 2005. **IT IS SO ORDERED.**

IDAHO STATE LICENSING BOARD OF
PROFESSIONAL COUNSELORS AND
MARRIAGE & FAMILY THERAPISTS

By 
~~Erie F. Jones, Chair~~
Bobbie A. Birdsall

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of July, 2005, I caused to be served a true and correct copy of the foregoing by the following method to:

Keith Alvin Reber
140 South 200 West
Springville, UT 84663

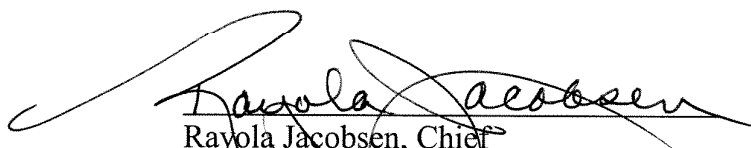
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Stephanie N. Guyon
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail

Michael J. Elia
MICHAEL J. ELIA, PC
1199 Shoreline Drive, Suite 308
Boise, ID 83702

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail


Rayola Jacobsen, Chief
Bureau of Occupational Licenses

**BEFORE THE BOARD OF LICENSED
PROFESSIONAL COUNSELORS AND THERAPISTS
FOR THE STATE OF OREGON**

In the Matter of

KEITH A. REBER

) Case No. BCT 2001 0007
)
) **FINAL ORDER BY DEFAULT**
) **OF LICENSE REVOCATION**
)
)

The Oregon Board of Licensed Professional Counselors and Therapists (Board) is the state agency responsible for licensing, regulating and disciplining Licensed Professional Counselors and Licensed Marriage and Family Therapists in the State of Oregon.

Procedural Summary

1. On July 12, 2001, Keith A. Reber was served with a Notice of Proposed license revocation. On October 1, 2002 the First Amended Notice of Proposed License Revocation was served. On December 30 2002, the Second Amended Notice of Proposed License Revocation was served. On February 13, 2003, the Third Amended Notice of Proposed License Revocation was served. Mr. Reber through his attorney requested a hearing on this matter and the matter was referred to the Hearing Panel. The contested case in this matter was set for July 14 and 15, 2003. On July 9, 2003, Keith Reber withdrew his request for hearing on this matter. The referral of this matter was withdrawn by the Board on July 10, 2003.

2. On January 10, 2003, July 2, 2003, and July 14, 2003, the Board submitted their Exhibit Index with Exhibits A 1 through A 21.

3. In the Third Amended Notice of License Revocation, the Board informed Mr. that the file will become part of the contested case record upon default for the purpose of providing a prima facie case. The Board may issue a final order by default pursuant to OAR 137-003-0075 when the Licensee withdraws the request for hearing.

Summary of Facts

4. Licensee (#T0368) has been licensed as a marriage and family therapist in the State of Oregon, under ORS 675.726, since August 9, 1999. Licensee practiced at Mountain Valley Mental Health Clinic in Baker City, Oregon and had a private practice in LaGrande, Oregon. Since becoming a Licensed Marriage and Family Therapist, Licensee has committed the following acts.

5. Licensee agreed to refrain from practicing holding therapy with children referred or sent to him by the State Office of Services to Children and Families (SCF). (Exhibit A17) After agreeing not to use holding therapy on SCF children, Licensee performed holding therapy on three different children temporarily placed in the home of foster parents and/or potential adoptive parents. (Exhibits A5, A7, A14, A15, A16, A18)

6. Licensee used holding therapy including wrapping a boy client (JH) in a blue sheet, laying on top of JH, and pushing fingers into JH's chest so hard Licensee's knuckles were white, and at the end of the session making a fist and pushing it hard up between JH's rib cage. (Exhibits A5, A7, A 14, A 15, A 16, A 18)

7. Licensee treated a client, MO, for anxiety, stress management, sexual abuse, mental anguish, and panic attacks by wrapping her in a blanket, touching her and laying across her. When MO asked Licensee to stop, he refused. (Exhibits A19)

8. Licensee treated SM and VM (from approximately 1999 through 2000) and used holding therapy including wrapping them in a sheet and blanket, laying with his body on top of the children, pushing his elbow into their abdomen and/or stomach area so hard at times causing vomiting, and occasionally required the children to try to gain freedom from the blanket wrapping themselves, despite the fact that they were wrapped tightly. (Exhibits A14, A15, A16, A18)

9. Licensee did not stop the holding therapy when patients protested or fought to get free. Licensee would also confront the patients by berating them, and raising his voice near the patient's head. Holding therapy is a recognized form of practice, however, current practice does not include poking clients, pushing hard enough to cause vomiting, and screaming in their faces. (Exhibits A2, A3, A5, A7, A14, A15, A16, A18)

10. Licensee treated a minor, OD with holding therapy, for fire starting behavior and suggested that he receive holding therapy for approximately 8 treatments. The parent was provided with a treatment protocol which included allowing the minor to repeatedly light matches. The use of holding therapy for the specific fire starting behavior was not done with a thorough assessment, treatment plan or informed consent. (Exhibit A13)

11. Licensee misrepresented facts about his Oregon license while applying for licensure before the Utah Board of Marriage and Family Therapists. Licensee represented that his discipline matter in Oregon was resolved when it was not and misrepresented that he had not sent a letter to the Oregon board when he had. These misrepresentations were not in accordance with the highest standards of the professional integrity and competence required of a therapist. (Exhibit A4, A11, A20)

12. In Exhibit A3, Dr. Dave Ziegler, Ph.D., L.P.C., L.M.F.T., licensed psychologist, reviewed the agency file. The board finds Dr. Ziegler's report reliable and credible. Based on that representation, the Board finds that Licensee did not meet the generally accepted professional standards of mental health practice in treating JH, in that

there was no comprehensive mental health assessment, there was no treatment plan, no informed consent, insufficient detail in the case notes and insufficient information as to what therapy was done on JH. Dr. Ziegler pointed out that several techniques that were used, as described by JH, were physically intrusive, controversial and not recognized in the professional community, and that there was a complete absence in Licensee's file of any documentation on the use of such techniques.

The Board finds the techniques used with JH are physically intrusive and do not meet with generally acceptable standards of practice and are not sanctioned by any recognized national professional associations of psychiatrists, psychologists, counselors, social workers or psychiatric nurses. These techniques are not sanctioned by the ATTACH group of therapists who support "holding therapy". These techniques cause physical and emotional damage to children with traumatic histories.

The Board finds that Licensee acted contrary to the Licensee's own standards of practice because Licensee stated that the sorts of intrusive physical interventions used by Licensee are as a final recourse "only used after all other forms of therapy have been exhausted and only in severe cases." The Board finds that JH's case was complex, but does not appear to be a severe case, as there is no indication in the clinical file that other forms of therapy were exhausted.

The Board finds Licensee's theoretical orientation concerning. Licensee admits that many individuals find this therapy "emotionally and physically abusive" but to Licensee justified the therapy in stating that it is the last recourse for the child and the family. This theoretical orientation to helping children is not sanctioned by any recognized professional organization. The Board finds that Licensee's clinical beliefs are a danger to the public.

The Board finds that from Dr. Ziegler's review and the Board review of Licensee's training and education, no mention is made of training in the credentials relating to psychodrama as a technique of therapy. The Board notes that psychodrama is an intensive and volatile technique that requires training and supervision and Licensee did not evidence that training.

The Board finds that the techniques used by Licensee are in violation of OAR 833-060-0001 and were intended to cause psychological and physical pain, did not advance the welfare and best interests of the client, and do not respect the rights of the clients.

The Board finds that Licensee was deceitful and misrepresented himself to SCF when he agreed to stop holding therapy, yet did not. The Board finds that when Licensee represented himself to the Board in Utah, his representations conflicted with documentation in the file.

Conclusions of Law

Pursuant to ORS 675.745(1)(c) and 675.745(1)(d), the Board finds that Keith A. Reber (Licensee) acted with gross negligence in the practice of marriage and family therapy by his failure to act within the standards of the profession and his failure to act with the highest standards of professional integrity. For this conduct, the Board revokes the marriage and family therapist license of Keith A. Reber.

The Board finds that by failing to stop holding therapy on children that were under SCF care after agreeing to do so, Licensee violated OAR 833-060-0001(2) and OAR 833-060-0001(2) and (4)(a) and (g). The Board finds that by misrepresenting facts of his status in Oregon to the Utah Board, Licensee violated OAR 833-060-0001(2) and OAR 833-060-0001(2) and (4)(a) and (g).

The Board finds that the above-described conduct by Licensee involving patients JH, SM, VM, MO and OD constitutes violations of OAR 833-060-0001(1) because Licensee used a therapeutic technique that violated Licensee's responsibility to make every effort to advance the welfare and best interest of his clients and respect the rights of those clients.

The above-described incidents with patients JH, SM, VM, MO and OD, constitute violations of OAR 833-060-0001(4)(g) by providing treatment that is considered inappropriate, unnecessary or inadequate. In addition, under OAR 833-060-0001(4)(g) a licensee must not perform any professional services beyond the licensee's field of competence. The use of the technique psychodrama which requires specific training and supervision, was not demonstrated by Licensee in the treatment of the above mentioned patients.

The above-described incidents constitute gross negligence under ORS 675.745(1)(c) and are punishable by revocation.

The Board finds that a revocation is warranted. The Board considers the violations in this matter so egregious and reprehensible that to allow Licensee to practice in the State of Oregon would be an abrogation of the Board's responsibility to regulate

the practice of counseling and therapy and would not protect the public.

THE BOARD HEREBY ORDERS:

That Keith A. Reber shall be revoked from the practice of therapy as a licensed marriage and family therapist in the State of Oregon. The revocation will commence on the date this order is signed by the Board vice-chair.

IT IS SO ORDERED this 22nd day of July, 2003.

BOARD OF LICENSED PROFESSIONAL COUNSELORS
AND THERAPISTS, STATE OF OREGON

By:

Christine M. F. Turner
Christine M.F. Turner, LPC Vice Chair

A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the petition is based is served.

JUDITH A. JENSEN (4603)
Assistant Attorney General
MARK L. SHURTLEFF (4666)
UTAH ATTORNEY GENERAL
Attorneys for the Utah Department of
Occupational and Professional Licensing
P.O. Box 140872
160 East 300 South, 5th Floor
Salt Lake City, Utah 84114-0872
Telephone: (801) 366-0310

**BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF
THE INVESTIGATION OF
KEITH ALVIN REBER

:
:
:
:

**P E T I T I O N
FOR ORDER TO CEASE AND DESIST**

Case No. DOPL 2003-151

PRELIMINARY STATEMENT

These causes of action were investigated by the Division of Occupational and Professional Licensing (the "Division") upon complaints that Keith Alvin Reber ("Respondent") has engaged in acts and practices which constitute violations of the Division of Occupational and Professional Licensing Act, Utah Code Ann. §§ 58-1-101 to 58-1-504 (1993) and the Mental Health Professional Practice Act, Utah Code Ann. §§ 58-60-101 to 58-60-510 (1998). The allegations against Respondent in this Petition are based upon information and belief arising out of the investigation conducted by the Division under its authority as set forth in Utah Code Ann. § 58-1-106.

Exhibit 2
Page 1 of 18

Each count in this petition shall be deemed to incorporate by reference the allegations set forth in the other paragraphs of the petition.

PARTIES

1. The Division is a division of the Department of Commerce of the State of Utah and is established by virtue of Utah Code Ann. § 13-1-2 (2)(a) (2001).
2. Respondent is an individual residing in Utah.

STATEMENT OF ALLEGATIONS

3. Between the dates of September 15, 1995, and May 4, 2001, Respondent held a Temporary Marriage and Family Therapist License in the State of Utah. Subsequent to May 4, 2001, Respondent has not been licensed in the State of Utah as a Temporary Marriage and Family Therapist, a Marriage and Family Therapist, or under any other license with the State of Utah that would entitle him to practice mental health therapy.
4. On or about August 9, 1999, the State of Oregon granted Respondent a license to practice as a Licensed Marriage and Family Therapist in the State of Oregon.
5. On or about July 12, 2001, the State of Oregon filed, in the matter of the license of Keith A. Reber to practice as a Licensed Marriage and Family Therapist, a Notice of Proposed License Revocation before the Board of Licensed Professional Counselors and Therapists for the State of Oregon, Case No. BCT 2001 0007. A copy of the Third Amended Notice of Proposed License Revocation is attached hereto as Exhibit A and by this reference made a part hereof.
6. At all times relevant to the present allegations, Case No. BCT 2001 0007

was and remains pending in the State of Oregon.

7. Beginning in or about December 2001, the Cascade Center for Family Growth, 1145 East 800 North, Orem, Utah employed Respondent as a W-2 status employee. Said Cascade Center for Family Growth is owned by Lawrence L. Van Bloem and Jennie Murdock Gwilliam.

8. On or about December 31, 2001, Respondent submitted an incomplete application for license to practice as a Marriage and Family Therapist in the State of Utah, having failed to submit the required Marriage and Family Therapist Qualifying Questionnaire. The required form, Marriage and Family Therapist Qualifying Questionnaire, is attached hereto as Exhibit B and by this reference made a part hereof. On January 9, 2002, the Division notified Respondent that his application was incomplete with respect to the Qualifying Questionnaire; that the Division had received notification from the State of Oregon of the pending action for revocation of Respondent's license in Oregon; and, that subsequent to the Division's receipt of a complete application from Respondent, the Division would schedule an interview at the next regular meeting of the Utah Marriage and Family Therapist Licensing Board (the "Board") in March 2002 to review Respondent's application including the pending case for revocation of license in the State of Oregon.

9. On or about January 14, 2002, Respondent made application by the Internet for ordination as a minister of the Universal Life Church and obtained a certificate which stated, among other things, that he had the "Credentials of Ministry" and that "Reverend Keith Alvin Reber has been ordained this Monday, January Fourteenth, 2002 and has all rights and privileges to perform all duties of the Ministry."

10. In or about July / 2002, Respondent and Lawrence Van Bloem signed a two-page document on letterhead of the Cascade Center for Family Growth, 1145 East 800 North, Orem, Utah, entitled "Proposal for respite and in home tracking". The purpose of said document is to request funding to cover clinical fees of a child client, Alisa (name withheld for the purposes of confidentiality), for (a) attendance in the Cascade Center Respite Program and (b) employment of a Cascade Center staff member in the home of Alisa for a fee of \$5,170 per month.

Respondent and Lawrence Van Bloem both signed said document, with signatures positioned adjacent to each other on the same line. Respondent signed said document as "Keith Reber" above the typed signature line, "Keith A. Reber L.M.F.T. (Oregon)." Van Bloem entered his signature as "Lawrence L. Van Bloem L.C.S.W."

Said document incorporates, among other information, the following:

- a. an evaluation of conditions of mental health, mental illness and/or emotional disorders pertaining to Alisa, including, but not limited to, information pertaining to the child's history, background and presenting problems;
- b. the establishment of diagnoses pertaining to Alisa including three clinical disorders designated on Axis I; diagnosis deferred on Axis II; no general medical conditions as designated on Axis III; psychosocial and/or environmental problems and/or conditions listed on Axis IV; and designation of score for the Global Assessment of Functioning Scale on Axis V;
- c. the prescription of a plan for the treatment of said conditions of mental illness or emotional disorder including, but not limited to, continued counseling at the Cascade Center twice per week, attendance in the Cascade Center Respite Program during the work week and employment of a "tracker" in Alisa's home during Alisa's waking hours.

11. In or about 2002, Respondent and Lawrence Van Bloem signed two

separate documents on letter head of the Cascade Center for Family Growth, 1145 East 800 North, Orem, Utah, entitled "Proposal for Respite and in home tracking" (the "Proposal") and "Request for Therapeutic Day Treatment School" (the "Request"). The purpose of said documents is to request funding to cover clinical fees of a child client, Joshua (name withheld for the purposes of confidentiality), for (a) attendance in the Cascade Center Respite Program in the amount of \$1650 per month and (b) employment of a Cascade Center staff member in the home of Joshua in the amount of \$800 per month.

Respondent and Lawrence Van Bloem signed said Proposal and Request, with Respondent's signature line positioned above the signature line for Van Bloem in both of said documents. Respondent signed the Proposal as "Keith Reber (Oregon)" at the typed signature line, "Keith A. Reber LMFT." Respondent signed the Request as "Keith A. Reber MA Oregon" at the typed signature line, "Keith A. Reber LMFT." Van Bloem entered his signature as "Lawrence L. Van Bloem LCSW."

Said Proposal and Request both incorporate, among other information, the following:

- a. an evaluation of conditions of mental health, mental illness and/or emotional disorders pertaining to Joshua, including, but not limited to, information pertaining to the child's history, background and presenting problems;
- b. the establishment of diagnoses pertaining to Joshua including four clinical disorders designated on Axis I; diagnosis deferred on Axis II; two medical conditions as designated on Axis III; psychosocial and/or environmental problems and/or conditions listed in Axis IV; and designation of score for the Global Assessment of Functioning Scale on Axis V;

- c. the prescription of a plan for the treatment of said conditions of mental illness or emotional disorder including, but not limited to, continued therapy at the Cascade Center as much as twice per week, attendance in the Cascade Center Respite Program five days per week and employment of a "tracker" in Joshua's home during Joshua's waking hours.

12. Neither the "Proposal for respite and in home tracking" pertaining to Alisa nor the "Proposal for Respite and in home tracking" and "Request for Therapeutic Day Treatment School" pertaining to Joshua identify Respondent as a member of the clergy for the Universal Life Church or for any other religious affiliation or in any manner indicate that in signing said documents Respondent was functioning in a ministerial capacity.

13. Upon receipt by the Division of Respondent's completed Marriage and Family Therapist Qualifying Questionnaire, the Division scheduled an interview with Respondent before the Utah Marriage and Family Therapist Licensing Board for March 2002. On March 22, 2002, during Respondent's interview by the Board, Respondent made representations to the Board regarding his application for license in the State of Utah. Respondent initially represented to the Board that he had previously sent a letter to the Board of Licensed Professional Counselors in Oregon, dated March 14, 2002, which included, among other information, the following statement: "This will confirm that I do not intend to renew that license (#T0368) as I am currently living and practicing in Utah." Respondent provided a copy of said letter to the Board at the time of his hearing. When questioned by the Board, Respondent retracted (a) his claim to have previously sent this letter to the Board in Oregon and (b) his claim that he was practicing in Utah.

14. On March 22, 2002, the Utah Marriage and Family Therapist Licensing

Board recommended that Respondent's application for license be denied due to the disciplinary action pending against Respondent in Oregon.

15. On March 26, 2002, the Division concurred with the recommendation of the Board and by letter advised Respondent that his application for license to practice as Marriage and Family Therapist in the State of Utah had been denied due to the disciplinary action pending against Respondent in Oregon.

16. On or about May 20, 2002, and June 6, 2002, Respondent claimed, among other information, the following to an Investigator for the Division:

- a. Respondent claimed that he performs administrative duties for the Cascade Center and that the Cascade Center pays him a monthly stipend for said administrative duties. Respondent claimed said administrative duties include setting up contracts and a manual regarding the Cascade Center, copying, "getting things straightened out," obtaining signatures, and making sure that Medicaid matters are in order.
- b. Respondent claimed that he attended therapy sessions as a "support" person. Respondent claimed that the therapist would do the work and he would sit there as support for the client.
- c. Respondent claimed that he provides ecclesiastical counseling at the Cascade Center under an ecclesiastical license. Respondent claimed that said ecclesiastical counseling services are free and that he "donates" his time. Respondent stated that he accepts "donations" from his "ecclesiastical" clients to be paid to an organization titled "Hope for the Children."

Respondent stated that the "Hope for the Children" office is located in the basement of the Cascade Center and leases the space from the Cascade Center.

Respondent stated that he is the Executive Director of "Hope for the Children" and that, as the Executive Director, he receives a percentage of the moneys that "Hope for the Children" acquires.

17. In or about May 2002, Respondent faxed two (2) letters to an agent of the

Office of Service to Children and Families (SCF) in Oregon pertaining to a client (identity not disclosed to protect confidentiality). Respondent addressed said letters upon letterhead of the Cascade Center for Family Growth, 1145 East 800 North Orem, Utah 84097 and signed said letters as "Keith A. Reber LMFT" and "Keith A. Reber MFT." In said letters, Respondent made a request for funding from SCF and made additional representations to SCF including, but not limited to, the following information:

- a. the request on behalf of said client for funding from SCF for thirty (30) sessions of psychotherapy by Keith A. Reber LMFT with an option for funding for additional therapy based on the need of the client;
- b. the statement that Respondent, at the time of the letters, had worked with said client for over two (2) years, and continued to have telephone contact with said client at least three (3) to four (4) times per week;
- c. the statement of a list of mental health issues which said client has previously addressed in therapy and of the current existence of many of the symptoms of Post Traumatic Stress Disorder; and
- d. the statement that the cost of therapy for thirty (30) sessions at a reduced rate is \$1,800.00, with each session of sixty (60) minutes charged at a rate of \$60.00.

18. In or about spring 2002, the parents of Julia (names withheld for the purposes of confidentiality), a child less than five (5) years of age, contacted the Cascade Center for Family Growth seeking mental health treatment for Julia. An initial appointment was scheduled at the Cascade Center for Julia and her parents to meet with Respondent. Respondent conducted said appointment from 4:30 p.m. to 6:00 p.m. No licensed therapist or any other staff member of the Cascade Center was present during said appointment. Respondent signed the Progress Note for said appointment

as "Therapist." During said appointment, Respondent engaged in conduct including, but not limited to, the following:

- a. Respondent engaged in and/or represented that he would engage in the practice of mental health therapy and/or marriage and family therapy.
- b. Respondent practiced as and/or represented himself as a mental health therapist and/or marriage and family therapist.
- c. Respondent conducted an evaluation and/or represented that he had conducted an evaluation of Julia's condition of mental health, mental illness, or emotional disorder, including, but not limited to, the following:
 - (1) interview of Julia's parents regarding Julia's history, her past treatment, her behaviors, and the parents' observations and concerns with Julia's behaviors;
 - (2) personal contact with and interview of Julia and assessment of her responses; and
 - (3) identification of symptoms in Julia including, but not limited to, symptoms of Reactive Attachment Disorder and dissociation.
- d. Respondent established a diagnosis and/or represented that he had established a diagnosis for Julia of a mental illness and/or emotional disorder.
- e. Respondent prescribed a plan for the treatment of a condition of mental illness or emotional disorder in Julia and/or represented that he had established said plan for treatment, including, but not limited to, the following:
 - (1) Respondent identified treatment options for Julia including, but not limited to, one (1) to two (2) weeks of "intensive therapy" at the Cascade Center. Said "intensive therapy" was to be conducted for three (3) hours per day, five (5) days per week and would consist of "holding therapy" and other procedures. The first week of said "intensive therapy" for Julia was scheduled and assigned appointment dates at the Cascade Center for five (5) consecutive days.

- (2) Following the initiation of "intensive therapy" on Julia at the Cascade Center, Respondent advised Julia's parents to administer procedures on Julia and/or utilize parenting techniques in accordance with Respondent's recommendations.

19. Julia's parents report that during said spring 2002 appointment Respondent engaged in conduct and made representations to Julia's parents including, but not limited to, the following:

- a. Respondent stated to Julia's parents he was a very experienced, licensed therapist in Oregon who specialized in RAD children and that he expected to be licensed in the State of Utah soon. Respondent claimed that, although he was a member of the L.D.S. Church, he had obtained a "pastor's license," which he also claimed entitled him to practice legally while he awaited his license. Respondent did not inform Julia's parents that there was a pending disciplinary action against his license in Oregon.
- b. During said spring 2002 appointment, Respondent neither agreed to provide nor provided Julia or her parents with religious advice or counseling.
- c. Respondent informed Julia's parents that the bill for his evaluation and services during the spring 2002 appointment was in the amount of ninety dollars (\$90). Respondent instructed Julia's parents that payment was due at the time of the service and that insurance would not cover said initial payment. Respondent directed that said check be made payable to "Hope for the Children." Respondent stated that fees for future treatment could be made to the Cascade Center and possibly made through insurance. Julia's parents paid said bill at the time of said appointment and received a receipt noting payment for "Consult w/ Keith."

20. During said week of "intensive therapy" on Julia, Respondent attended all five (5), three-hour "intensive therapy" sessions. Cascade Center staff Jennie Murdock Gwilliam, Kerry Max Park, and Lawrence Van Bloem each attended one or more of said sessions. During said "intensive therapy" sessions, Respondent administered

procedures as therapy and engaged in conduct including, but not limited to, the following:

- a. During the course of Julia's therapy, Respondent issued commands to Julia for verbal and/or physical performance, criticized Julia for her performance, and/or engaged in physical contact with Julia, including, but not limited to, (1) "rubbing Julia's ribs" and/or "tickling" to evoke feelings or emotions in Julia and (2) the administration of physical restraint.
- c. During the course of Julia's therapy, Respondent provided Julia's parents with his opinion and/or advice regarding their conduct towards Julia.

21. In or about September 2002, Respondent submitted an application for employment in the position of "Therapist" at a youth crisis center located in Utah. On or about September 13, 2002, Respondent appeared for the personal interview on his application for said position. Said position as Therapist included provision of mental health services to child clients of the crisis center, a residential treatment facility. Said position as "Therapist" included the requirement of a current clinical license with State of Utah. Duties required in said position as "Therapist" included, but were not limited to, direct and indirect services, assessment, treatment and discharge planning, individual therapy and caseload management, group therapy, documentation, and staffing.

APPLICABLE LAW

22. Utah Code Ann. § 58-1-401 (1998) provides in relevant part as follows:

- (4) The Division may issue cease and desist orders:
 - (a) to a licensee or applicant who may be disciplined under Subsection (1) or (2);
 - (b) to any person who engages in or represents himself to be engaged in an occupation or profession regulated under this title; and

- (c) any person who otherwise violates this title or any rules adopted under this title.

23. Utah Code Ann. § 58-1-501 (1998) (amended 2001) provides in relevant part as follows:

- (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under this title and includes:
- (a) practicing or engaging in, representing oneself to be practicing or engaging in, or attempting to practice or engage in any occupation or profession requiring licensure under this title if the person is:
- (i) not licensed to do so or not exempted from licensure under this title;

24. Utah Code Ann. §58-60-102 (1998) (amended 1999) provides in relevant part as follows:

- (5) "Mental health therapist" means an individual licensed under this title as:
- (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;
- (b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;
- (c) a psychologist qualified to engage in the practice of mental health therapy;
- (d) a clinical social worker;
- (e) a certified social worker;
- (f) a marriage and family therapist; or
- (g) a professional counselor.
- (6) "Mental illness" means a mental or emotional condition defined in an approved diagnostic and statistical manual for mental disorders generally recognized in the professions of mental health therapy listed under Subsection (5).
- (7) "Practice of mental health therapy" means treatment or prevention of mental illness, including:
- (a) conducting a professional evaluation of an individual's

condition of mental health, mental illness, or emotional disorder consistent with standards generally recognized in the professions of mental health therapy listed under Subsection (5);

- (b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (5).
- (c) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; and
- (d) engaging in the conduct of professional intervention, including psychotherapy by the application of established methods and procedures generally recognized in the professions of mental health therapy listed under Subsection (5).

25. Utah Code Ann §58-60-103 (1998) (amended 2001) provides in relevant part as follows:

- (1) An individual shall be licensed under this chapter, Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act; Chapter 31b, Nurse Practice Act; Chapter 61, Psychologist Licensing Act; or exempted from licensure under this chapter in order to:
 - (a) engage in or represent he will engage in the practice of mental health therapy, clinical social work, certified social work, marriage and family therapy, or professional counseling; or
 - (b) practice as or represent himself as a mental health therapist, clinical social worker, certified social worker, marriage and family therapist, professional counselor, psychiatrist, psychologist, or registered psychiatric mental health nurse specialist.

26. Utah Code Ann. §58-60-107 (1998) (amended 2001) provides in relevant part as follows:

58-60-107. Exemptions from licensure.

(3) recognized member of the clergy while functioning in his ministerial capacity as long as he does not represent himself as or use the title of a license classification in Subsection 58-60-102 (5).

27. Utah Code Ann. § 58-60-109 (1998) (amended 2001) provides in relevant part as follows:

As used in this chapter, "unlawful conduct" includes:

- (1) practice of the following unless licensed in the appropriate classification or exempted from licensure under this title:
 - (a) mental health therapy;
 - ...
 - (d) marriage and family therapy;
- (3) representing oneself as or using the title of any of the following unless currently licensed in a license classification under this title:
 - (d) mental health therapist;
 - ...
 - (g) marriage and family therapist;

28. Utah Code Ann. § 58-60-302 (1998) provides in relevant part as follows:

- (3) "Practice of marriage and family therapy" includes:
 - (a) the process of providing professional mental health therapy including psychotherapy to individuals, couples, families, or groups;
 - (b) utilizing established principles that recognize the interrelated nature of individual problems and dysfunctions in family members to assess, diagnose, and treat mental, emotional and behavioral disorders;
 - (c) individual, premarital, relationship, marital, divorce, and family therapy;
 - (d) specialized modes of treatment for the purpose of diagnosing and treating mental, emotional, and behavioral

...orders, modifying interpersonal and intrapersonal dysfunction, and promoting mental health; and

- (e) assessment utilized to develop, recommend, and implement appropriate plans of treatment, dispositions, and placement related to the functioning of the individual, couple, family, or group.

COUNT I

29. Respondent practiced or engaged in, represented himself to be practicing or engaging in, or attempted to practice or engage in occupations or professions of mental health therapy and/or marriage and family therapy when Respondent was not licensed to do so and was not exempted from licensure under Title 58, through conduct as described in Paragraphs 3 through 21.

30. Based on the foregoing, Respondent has engaged in "unlawful conduct" in violation of Utah Code Ann. § 58-1-501 (1).

31. Sufficient basis exists for the issuance of a Cease and Desist Order against Respondent pursuant to Utah Code Ann. § 58-1-401(4).

COUNT II

32. Respondent practiced mental health therapy and/or marriage and family therapy when Respondent was not licensed to do so and was not exempted from licensure under Title 58, through conduct as described in Paragraphs 3 through 21:

33. Based on the foregoing, Respondent has engaged in "unlawful conduct" in violation of Utah Code Ann. § 58-60-109 (1).

34. Sufficient basis exists for the issuance of a Cease and Desist Order against Respondent pursuant to Utah Code Ann. § 58-1-401 (4).

COUNT III

35. Respondent represented himself as and/or used the title of mental health therapist and/or marriage and family therapist when Respondent was not licensed to do so, through conduct as described in Paragraphs 3 through 21.

36. Based on the foregoing, Respondent has engaged in "unlawful conduct" in violation of Utah Code Ann. § 58-60-109 (3).

37. Sufficient basis exists for the issuance of a Cease and Desist Order against Respondent pursuant to Utah Code Ann. § 58-1-401 (4).


WHEREFORE, the Division requests the following relief:

1. That Respondent be adjudged and decreed to have engaged in the acts alleged herein;
2. That by engaging in said acts, Respondent be adjudged and decreed to have engaged in unlawful conduct as defined in Utah Code Ann. § 58-1-501 (1) and Utah Code Ann. § 58-60-109 (1) and (3);
3. That pursuant to Utah Code Ann. § 58-1-401 (4) an Order be issued directing Respondent to cease and desist from practicing or engaging in, representing himself to be practicing or engaging in, or attempting to practice or engage in the professions of mental health therapy and marriage and family therapy in the State of Utah, unless licensed to do so or exempted from licensure under Title 58, in violation of Utah Code Ann. § 58-1-501 (1);
4. That pursuant to Utah Code Ann. § 58-1-401 (4) an Order be issued directing Respondent to cease and desist from engaging in the practice of mental health therapy and marriage and family therapy in the State of Utah, unless

licensed to do so or exempted from licensure under Title 5, in violation of Utah Code Ann. § 58-60-109 (1); and

5. That pursuant to Utah Code Ann. § 58-1-401 (4) an Order be issued directing Respondent to cease and desist from representing himself in the State of Utah as a mental health therapist and as a marriage and family therapist and to cease and desist from using the title of mental health therapist and marriage and family therapist in the State of Utah unless licensed to do so, in violation of Utah Code Ann. § 58-60-109 (3).

Dated this 9th day of July, 2003.


Judith A. Jensen
Assistant Attorney General

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

Dee Thorell, being first duly sworn, states as follows:

1. I am an Investigator for the Bureau of Investigation, Division of Occupational and Professional Licensing, and have been assigned to investigate this case.


2. I have read the foregoing Petition and am familiar with the contents thereof. All of the actual allegations in the Petition are true to the best of my knowledge, information and belief.



Dee Thorell
Investigator
Division of Occupational &
Professional Licensing

SWORN TO AND SUBSCRIBED to before me this 10th day of

July, 2003.


NOTARY PUBLIC